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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,296	01/15/2004	Shelly Walter	2661.688US12	5170
7590 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				
06/04/2009				
EXAMINER				
TRAN LIEN, THUY				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
06/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10758296	1/15/2004	WALTER ET AL.	2661.688USI2

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Minneapolis, MN 55402-0903

EXAMINER

Lien T. Tran

ART UNIT	PAPER
1794	20090603

DATE MAILED:

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Commissioner for Patents

This paper is in response to the remand from the board on 4/22/09. In the remand, the board returned the case because the appeal brief filed on 8/18/08 was not in compliance with regard to "Summary Of Claimed Subject Matter". The issue was corrected in the Supplemental Brief filed on 9/23/08 and again in the Supplemental Brief filed recently on 5/18/09. The Appeal Brief is now in compliance and corrects the issue cited in the remand. Since the reason for the return is related to format which is now corrected, the examiner answer mailed on 12/12/08 still stands. The case will be forwarded to the board for consideration of the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks, can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lien T Tran/
Primary Examiner, Art Unit 1794